

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RANDY ROGMAN,)	
)	
Plaintiff,)	
)	
v.)	
)	
CAROLYN W. COLVIN,)	
)	
Defendant.)	

4:14CV3101

**MEMORANDUM
AND ORDER**

This matter is before me on Defendant's Motion to Remand. (Filing [9](#).) Plaintiff filed his Complaint on May 15, 2014. (Filing [1](#).) On November 20, 2014, Defendant filed a Motion to Remand. (Filing [9](#).) Plaintiff did not file a response. Therefore, I will consider the Motion uncontested.

Defendant requests a remand pursuant to sentence six of [42 U.S.C. § 405\(g\)](#) because Defendant cannot locate the claims file supporting the Administrative Law Judge's June 15, 2013, decision in Plaintiff's case, or the recording of the administrative hearing held on May 29, 2012. (Filing [9](#).) Sentence six of § 405(g) provides that "the court may, on motion of the Commissioner of the Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security." [42 U.S.C. § 405\(g\)](#). "Under sentence six, 'the district court does not affirm, modify, or reverse the Secretary's decision; it does not rule in any way as to the correctness of the administrative determination.'" [Travis v. Astrue, 477 F.3d 1037, 1039 \(8th Cir. 2007\)](#) (quoting [Melkonyan v. Sullivan, 501 U.S. 89, 98 \(1991\)](#)). Moreover, under "sentence six," the parties must return to the district court at the conclusion of the administrative proceedings to obtain a final judgment. [Melkonyan, 501 U.S. at 98](#).

Defendant has shown that good cause exists to remand the claim to the Commissioner for appropriate action to produce a record pursuant to sentence six of § 405(g).

IT IS ORDERED that:

1. Defendant's Motion to Remand (filing [9](#)) is granted.
2. This action is remanded to the Commissioner pursuant to sentence six of [42 U.S.C. § 405\(g\)](#) for further administrative proceedings as described above.
3. The court does not affirm, reverse, or modify the Commissioner's decision and retains jurisdiction of this action during the administrative proceedings.
4. The administrative proceedings on remand shall be completed by no later than one hundred and twenty (120) days from the date of this Memorandum and Order.
5. Defendant shall file monthly status reports in this matter at the expiration of thirty (30), sixty (60) and ninety (90) days from the date of this Memorandum and Order.

DATED this 10th day of December, 2014.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

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